

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: )  
)  
**JAMES WHITFIELD LIVINGSTON** ) **CASE NO. 20-03559-MH3-7**  
Debtor )

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 9/29/2021**  
**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE HELD ON: 10/19/2021**  
**at 9:00 a.m., by Zoom Call-In Number: 833-568-8864 US Toll-free Meeting ID: 160 2983 9352**

**NOTICE OF MOTION FOR INTERIM DISTRIBUTION AND INTERIM TRUSTEE FEE**

Robert H. Waldschmidt, Trustee/Attorney for Trustee, has asked the court for the above relief:

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your written response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Clerk's Intake Department at (615)736-5584.

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

3. You must also serve a copy of your response to Robert H. Waldschmidt at one of the following:

On Line: rhw@rhwlawoffice.com  
U.S. Mail: P.O. Box 2828, Brentwood, TN 37024-2828  
Fax: (615) 259-2179

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <<https://ecf.tnmb.uscourts.gov>>.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: 9/7/2021

/s/ Robert H. Waldschmidt  
**ROBERT H. WALDSCHMIDT**, #4657  
Attorney for Trustee  
P.O. Box 2828  
Brentwood, TN 37024-2828  
(615) 468-1020; (615) 259-2179 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **Notice**, together with the **Motion** and proposed **Order**, were served on the parties listed on the attached matrix (consisting of debtor, debtor's counsel, all creditors and parties in interest), by regular mail, postage prepaid, by placing the envelopes containing the Notice, Motion, and Order in the U.S. Mail, and upon all parties receiving electronic notification, via ECF, on 9/7/2021.

/s/ Robert H. Waldschmidt  
**ROBERT H. WALDSCHMIDT**

AMERICAN EXPRESS  
1201 KINGSVIEW CIRCLE SE  
Smyrna GA 30080

American Express National Bank  
c/o Becket and Lee LLP  
PO Box 3001  
Malvern, PA 19355-0701

BB&T BANKRUPTCY SECTION  
100-50-01-51  
PO BOX 1847  
WILSON NC 27894-1847

BB&T now Truist  
PO Box 1847  
Wilson, NC 27894-1847

BEST BUY  
7601 PENNE AVENUE  
Minneapolis MN 55423-3683

Cassie Burton  
3833 Saunders Ave.  
Nashville, TN 37216-2021

Cassie Burton  
c/o Sherwood Litigation  
201 4th Ave N S 1130  
Nashville TN 37219

Citibank, N.A.  
5800 S Corporate Pl  
Sioux Falls, SD 57108-5027

Deere & Company dba John Deere Financial  
Po Box 6600  
Johnston, IA 50131-6600

FARM CREDIT MID AMERICA  
5015 SOUTH 118TH STREET  
Omaha NE 68137-2210

Farm Credit Mid-America, FLCA  
Attn: Ricky West  
100 Nevada Avenue  
Greeneville, TN 37745-3409

Farm Credit Mid-America, FLCA  
c/o Bobo, Hunt & White  
P. O. Box 169  
Shelbyville, TN 37162-0169

FIRST HERITAGE CREDIT  
1221 S Hartmann Drive, Suite A  
Lebanon, TN 37090-4109

Internal Revenue Service,  
Centralized Insolvency Operation  
P.O. Box 7346  
Philadelphia, PA 19101-7346

JAMES WHITFIELD LIVINGSTON  
PO BOX 91047  
Nashville, TN 37209-9047

Lauren Lowe  
3811 Woodmont Ln  
Nashville TN 37215-1715

LEFKOVITZ AND LEFKOVITZ, PLLC +  
618 CHURCH ST STE 410  
NASHVILLE, TN 37219-2452

Milessa Thomas  
404 Westview Dr.  
Franklin, KY 42134-1557

Milessa Thomas  
c/o Christopher Boiano Esq.  
115 Shivel Dr.  
Hendersonville TN 37075-3536

PNC Equipment Finance, LLC  
655 Business Center Drive  
Horsham, PA 19044-3409

PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

PRA Receivables Management, LLC +  
PO Box 41021  
Norfolk, VA 23541-1021

STEARNS BANK NATIONAL ASSOCIATION  
ATTN LEGAL DEPARTMENT  
4191 2ND STREET SOUTH  
ST CLOUD MN 56301-3761

SYNCHRONY BANK  
PO BOX 530960  
Atlanta GA 30353-0960

SYNOVUS BANK  
1148 Broadway  
Columbus, GA 31901-2429

TN CHILD SUPPORT  
DEPT OF HUMAN SERVICES  
400 DEADERICK ST 14TH FLOOR  
NASHVILLE TN 37243-1403

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	)	
	)	
<b>JAMES WHITFIELD LIVINGSTON</b>	)	<b>CASE NO. 20-03559-MH3-7</b>
Debtor	)	

**TRUSTEE'S MOTION FOR INTERIM DISTRIBUTION**  
**AND INTERIM TRUSTEE FEE**

Comes now Robert H. Waldschmidt, trustee, by and through counsel, and moves the court for an Order authorizing the trustee to make interim distribution of a portion of the current funds on hand to allowed claimants set forth below, and for an interim trustee fee, and would further state:

1. The bankruptcy proceeding began as a Chapter 13 proceeding, and was converted to Chapter 7 on March 23, 2021.

2. Robert H. Waldschmidt was appointed and is the duly qualified and acting trustee in this Chapter 7 case.

3. Pursuant to a Notice dated March 30, 2021, creditors with claims against the bankruptcy estate were directed to file claims on or before June 28, 2021.

4. The trustee is currently holding \$79,559.54 in funds. Trustee is seeking to make interim distribution of \$55,000 of the funds on hand.

5. The Trustee has reviewed the file and the Proofs of Claim on file with the Court. An order disallowing distribution to certain claims was entered on August 27, 2021 (ECF195).

6. Based on said review, the Trustee requests authority to make interim distribution to the following claims against the estate:

a.	ROBERT H WALDSCHMIDT, Int. Trustee Fee	\$5,000.00
b.	Claim 4-3 Internal Revenue Service (100%)	\$5,297.48
e.	General Unsecureds – prorata int. distribution	\$44,702.52

\*detail of distribution attached as Exhibit 1

7. The Trustee has not made any prior interim distributions in this case.

8. The Trustee will have sufficient funds (after said disbursements) to pay all Chapter 7 administrative claims, fees, expenses, etc., with funds remaining for disbursement to claimants pursuant to 11 U.S.C. §726(a)(1) and §507(a)(5) & (8).

9. The Trustee would further state that said distribution will significantly reduce the monthly banking fees being incurred by the bankruptcy estate.

WHEREFORE, TRUSTEE PRAYS for the following relief:

1. That the Court authorize the trustee to make interim distribution to the claimants listed in paragraph 6 above.
2. For such other and further relief as is just.

RESPECTFULLY SUBMITTED,

/s/Robert H Waldschmidt

**ROBERT H. WALDSCHMIDT**, #4657

Attorney for Trustee

P.O. Box 2828

Brentwood, TN 37024-2828

(615) 468-1020; (615) 259-2179 (fax)

[rhwl@rhwlawoffice.com](mailto:rhwl@rhwlawoffice.com)

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**JAMES WHITFIELD LIVINGSTON** ) **CASE NO. 20-03559-MH3-7**  
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**ORDER AUTHORIZING INTERIM DISTRIBUTION**

Upon the Trustee's motion for interim distribution, and it appearing that the notice of said motion has been served on all creditors and parties in interest, and no objections having been filed, and for other cause to the court shown;

IT IS HEREBY ORDERED that the Trustee is authorized to make interim distribution as follows:

a.	ROBERT H WALDSCHMIDT, Int. Trustee Fee	\$5,000.00
b.	Claim 4-3 Internal Revenue Service (100%)	\$5,297.48
e.	General Unsecureds – prorata int. distribution	\$44,702.52

\*detail of distribution attached as Exhibit 1

***This order was signed and entered electronically as indicated at the top of the first page.***

APPROVED FOR ENTRY:

/s/ Robert H. Waldschmidt  
**ROBERT H. WALDSCHMIDT** #4657  
Attorney for Trustee  
P.O. Box 2828  
Brentwood, TN 37024-2828  
615-468-1020 Fax: 615-259-2179  
rhw@rhwlawoffice.com

# Claims Proposed Distribution

## EXHIBIT 1

Robert H. Waldschmidt, Trustee

Case: 20-03559-MH3-7 LIVINGSTON, JAMES WHITFIELD

Report Includes ONLY Claims with a Proposed Distribution

**Case Balance:** \$79,559.54  
**Total Proposed Payment:** \$55,000.00  
**Remaining Balance:** \$24,559.54

#	Claimant Name	Type	Amount Filed	Amount Allowed	Paid to Date	Claim Balance	Proposed Payment	Remaining Funds
	Robert H. Waldschmidt		\$7,254.40	\$5,000.00	\$0.00	\$5,000.00	\$5,000.00	\$74,559.54
1	First Heritage Credit		\$2,794.34	\$2,794.34	\$0.00	\$2,794.34	\$2,036.64	\$72,522.90
	allow as unsecured-debtor no longer has collateral							
3	BB&T now Truist		\$44.00	\$44.00	\$0.00	\$44.00	\$32.07	\$72,490.83
	allow-unsecured							
4	Internal Revenue Service,		\$5,297.48	\$5,297.48	\$0.00	\$5,297.48	\$5,297.48	\$67,193.35
	allow-priority tax							
4	Internal Revenue Service,		\$1,170.70	\$1,170.70	\$0.00	\$1,170.70	\$853.26	\$66,340.09
	allow-unsecured							
6	American Express National Bank c/o Becket and Lee LLP		\$13,616.35	\$13,616.35	\$0.00	\$13,616.35	\$9,924.19	\$56,415.90
	allow-unsecured							
9	American Express National Bank c/o Becket and Lee LLP		\$16,019.18	\$16,019.18	\$0.00	\$16,019.18	\$11,675.48	\$44,740.42
	allow-unsecured							
10	Deere & Company dba John Deere Financial		\$8,758.90	\$8,758.90	\$0.00	\$8,758.90	\$6,383.87	\$38,356.55
	allow-unsecured							
11	Portfolio Recovery Associates, LLC		\$262.64	\$262.64	\$0.00	\$262.64	\$191.42	\$38,165.13
	allow-unsecured							
12	Synovus Bank		\$11,017.07	\$11,017.07	\$0.00	\$11,017.07	\$8,029.72	\$30,135.41
	allow-unsecured							

Page sub-total : **\$66,235.06** **\$63,980.66** **\$0.00** **\$63,980.66** **\$49,424.13**

# Claims Proposed Distribution

Case: 20-03559-MH3-7 LIVINGSTON, JAMES WHITFIELD

Report Includes ONLY Claims with a Proposed Distribution

Robert H. Waldschmidt, Trustee

**Case Balance:** \$79,559.54  
**Total Proposed Payment:** \$55,000.00  
**Remaining Balance:** \$24,559.54

#	Claimant Name	Type	Amount Filed	Amount Allowed	Paid to Date	Claim Balance	Proposed Payment	Remaining Funds
13	Citibank, N.A.		\$511.24	\$511.24	\$0.00	\$511.24	\$372.61	\$29,762.80
	allow-unsecured							
14	Stearns Bank National Association		\$7,139.06	\$7,139.06	\$0.00	\$7,139.06	\$5,203.26	\$24,559.54
	allow-unsecured							

## Case Summary

Total Claims: 76.78%  
\$73,885.36 \$71,630.96 \$0.00 \$55,000.00